

## FREEMAN, NOOTER &amp; GINSBERG

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BY HAND

EX PARTE

Honorable P. Kevin Castel  
United States District Judge  
United States Courthouse  
500 Pearl Street

MEMO ENDORSED

Re: United States v. Tucker  
16 CR 91 (PKC)

Dear Judge Castel:

We write to request approval for a supplemental budget in the above-referenced matter pursuant to 18 U.S.C. §3006A(e) for remaining trial preparation, not including trial hours, for James Roth, Lee Ginsberg, Nadjia Limani, Beverly Van Ness and Eli Salamon-Abrahms.

Background

Our initial Mega Case budget was so ordered on August 17, 2016 (District Court) and August 19, 2016 (Circuit Court), nunc pro tunc to June 30, 2016. In that order we were provided, as follows:

1. A total of 693 hours for lead attorney, James Roth
2. A total of 690 hours for associate attorney, Lee Ginsberg
3. A total of 200 hours for investigator, Marie Schembri
4. A total of 400 hours for paralegal services, Eli Salamon-Abrahms
5. A total of 200 hours for attorney legal writing, Beverly Van Ness
6. A total of 400 hours for associate attorney, Nadjia Limani and
7. A total of \$2,500 for non-travel expenses (copying, postage, etc...).

By letter dated January 6, 2017, we requested approval for an additional 800 hours of services for Mr. Abrahms and 200 hours of services for Beverly Van Ness. This application was granted by Your Honor on January 17, 2017.

*Having reviewed  
the application and  
consulted with  
Mr. Tully, it is  
GRANTED.  
SO ORDERED  
JSD  
5.18.17*

Remaining Trial Preparation

As we noted in our January 6, 2017 letter to the Court, when undersigned counsel met with Jerry Tritz to create our initial budget proposal, we discussed the possibility of making additional requests for CJA approval for both attorney and ancillary service providers as we continue to prepare for trial in this matter.

- Lee Ginsberg and James Roth

Since appointment in this matter last summer, undersigned counsel has 1) met with Mr. Tucker to ascertain the facts regarding the conduct charged in the original and superseding indictment, 2) met with co-defendant's counsel to develop trial strategy and identify and retain necessary expert witnesses, 3) identified and interviewed defense witnesses, 4) reviewed discovery and filings in various litigations, including three state court actions and the FTC litigation concerning the payday lending entities named in the indictments in this matter, 5) met with Beverly Van Ness to discuss the various legal issues concerning the defendants' motions to dismiss, motions in limine, charge requests and voir dire requests, 6) met with Marie Schembri to discuss investigative tasks in this matter, 7) met with Ms. Limani and Mr. Abrahms to develop a discovery review and trial preparation plan, 8) met with Harry Steinmetz, forensic CPA, to determine documents needed for financial forensic analysis and status of analysis, 9) interacted with lawyers and a monitor appointed in a parallel action brought by the Federal Trade Commission and 10) filed documents and litigated issues regarding discovery, including the issuance of Rule 17(c) subpoenas.

As both Mr. Roth and Mr. Ginsberg have expended approximately 690 hours in this matter to date (the previously authorized amount from the preliminary budget), we now request an additional 700 hours for lead attorney, James Roth and an additional 700 hours for associate attorney, Lee Ginsberg pursuant to 18 U.S.C. 3006A(e) for remaining trial preparation, including the above tasks as well as preparing defense witnesses for testimony, reviewing exhibits for trial, 3500 material review, additional meetings with our client and co-defendant, as needed and any other issues that may arise as we prepare for trial in September. // OK

- Nadjia Limani

Since appointment in this matter, Ms. Limani has assisted undersigned counsel in all tasks named above. In addition, she 1) manages the discovery review and categorization being performed by Mr. Abrahms by continuously reviewing categorized documents and suggesting additional specific search terms, 2) engages in discussions with co-defendant's counsel regarding discovery review, witnesses and trial preparation, 3) drafted subpoenas and submissions to the Court regarding financial documents, 4) engages in discussions with Mr. Steinmetz and his staff to facilitate their review of relevant discovery in an efficient manner, 5) assisted in the drafting of the charge requests and various motions and 6) reviews discovery and creates memorandums for undersigned counsel.

As Ms. Limani has expended approximately 400 hours in this matter to date (the previously authorized amount from the preliminary budget), we now request an additional 700 hours for associate attorney, Nadjia Limani pursuant to 18 U.S.C. 3006A(e) for remaining trial preparation, including the above tasks as well as preparing defense witnesses for testimony, // OK

reviewing exhibits for trial, 3500 material review, additional meetings with our client and co-defendant, as needed and any other issues that may arise as we prepare for trial in September.

- Eli Salamon-Abrahms

Mr. Abrahms continues to review the massive discovery in this matter on a daily basis. His work results in a savings to the Court as he is able to categorize documents for the attorneys in this matter to review and is also able to search for specific documents at our request at a cost to the Court of \$30 per hour in comparison to \$110 per hour for Ms. Limani's work and \$129 per hour for undersigned counsel's work. In addition, we will require Mr. Abrahms' assistance in creating exhibits, exhibit lists, exhibit binders, organizing 3500 material and trial presentation.

As Mr. Abrahms has expended approximately 1,120 hours in this matter to date, we now request an additional 800 hours for paralegal Eli Salamon-Abrahms, pursuant to 18 U.S.C. 3006A(e) for remaining trial preparation. //OK

- Beverly Van Ness

Ms. Van Ness was appointed to assist with the legal writing in this matter and to assist appointed counsel with legal research as needed. As such, she has researched, drafted and edited Mr. Tucker's motion to dismiss, strike surplusage and for discovery, motions in limine, requests to charge in addition to responses to the Government's motions.

As Ms. Van Ness has expended approximately 400 hours in this matter to date (the previously authorized amount from the preliminary budget and the January 17, 2016 order), we now request an additional 200 hours for legal writing attorney, Beverly Van Ness, pursuant to 18 U.S.C. 3006A(e) for any additional legal research or legal writing needs as we proceed to trial and during the trial. //OK

- Expenses

As counsel has expended an approximate \$2500 in copying and scanning expenses to date, we request an additional \$5,000 in non-travel expenses to include the printing costs associated with trial preparation, including the production of 3500 material, government exhibits and defense exhibits. //OK

### Conclusion

For the reasons stated above, we respectfully request that Your Honor so-order the requests included in this letter.

Respectfully Submitted,

/s/ Lee A. Ginsberg

\_\_\_\_\_  
Lee A. Ginsberg  
James Roth

**THE SECOND JUDICIAL CIRCUIT  
OF THE UNITED STATES**

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New York, New York 10007

Karen Greve Milton  
Circuit Executive

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**FACSIMILE TRANSMISSION COVER SHEET**

**DATE:** May 18, 2017

**TO:** Jeff Eldridge

**FROM:** Jerry L. Tritz 

**FAX:** 212-805-7949

Number of Pages (including cover sheet): 4

**Remarks:**

Attached is a request for additional funding for the Tucker case. The letter was hand delivered which may explain why it seems to have disappeared. Because of the delay in getting this signed, counsel requests that Judge Castel consider signing the order *nunc pro tunc* to April 14, 2017 to avoid issues down the road. Thank you in advance for your attention to this matter.